IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

MFA.No. 327 of 2002(B)

OPMV.87/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
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APPELLANT: PETITIONER.

ULAHANNAN THOMAS, S/O. ULAHANNAN,
AGED 56 YEARS, RESIDING AT KOTHELENGARA HOUSE,
KADAVAYALKUNNU, VAZHAVATTA POST, MUTTIL AMSOM
AND DESOM, VYTHIRI TALUK, WAYANAD.

BY ADV. SRI.A.K.SRINIVASAN
SRI.MATHEW JOHN

RESPONDENTS: RESPONDENTS.
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1. MR.P.V.AUGASTIAN, S/O. VARGHESE,
AGE NOT KNOWN, PEECHATTUKUDIYIL HOUSE,
KARINGINIKUNNU, MUTTIL AMSOM AND DESOM,
VYTHIRI TALUK, WAYANAD.

2. MR.N.M.KHADER @ ALI,
S/O. MARAKKAR, AGED 37 YEARS,
NARIKAMATTATHIL HOUSE, MUTTIL AMSOM AND DESOM,
VYTHIRI TALUK, WAYANAD.

3. THE UNITED INDIA INSURANCE COMPANY LTD.,
MAIN ROAD, KALPETTA, WAYANAD.

4. MARY AUGUST, W/O. MR.P.V.AUGASTIAN,
PEECHATTUKUDIYIL HOUSE, KARINGINIKUNNU,
MUTTIL AMSOM, MUTTIL POST, VYTHIRI TALUK, WAYANAD.

5. P.A.DEVASSIYA, S/O. MR.P.V.AUGUSTIAN,
-DO- -DO-

6. P.A.JOSE, S/O. MR.P.V.AUGASTIAN,
-DO- -DO-

7. P.A.LOOSY, D/O. MR.P.V.AUGASTIAN,
-DO- -DO-

8. PALATHADATHIL ROSSAMMA JOSEPH,
D/O. MR.P.V.AUGASTIAN, -DO- -DO-

BY ADV. SRI.P.K.ABOOBACKER(EDATHALA)
SRI.RAJESH THOMAS

THIS MISC. FIRST APPEAL HAVING BEEN HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

M.F.A.No.327 of 2002

Dated, this the 12th day of November, 2007

JUDGMENT

Notice issued to first respondent returned with the endorsement that the addressee expired and that of respondents 7 and 8 with the endorsement that 'addressee left'. In spite of time granted to the appellant no steps were taken to implead the legal representatives of first respondent and also to issue fresh notice to respondents 7 and 8. So the appeal so far as it relates to first respondent is closed as abated and that of respondents 7 and 8 is dismissed for non-prosecution. Without respondents 1, 7 and 8 on the party array no effective orders can be passed in the appeal.

In the result, appeal is dismissed for non-prosecution.

K. PADMANABHAN NAIR,
JUDGE.

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K.PADMANABHAN NAIR, J.

M.F.A.No.327 of 2002

JUDGMENT

12th November, 2007.